

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER DISASTER
SITE LITIGATION

x

ORDER

: 21 MC 100 (AKH)

IN RE WORLD TRADE CENTER LOWER
MANHATTAN DISASTER SITE LITIGATION

: 21 MC 102

: 21 MC 103

IN RE COMBINED WORLD TRADE CENTER
AND LOWER MANHATTAN DISASTER SITE
LITIGATION (STRADDLER PLAINTIFFS)

x

ALVIN K. HELLERSTEIN, U.S.D.J.:


In anticipation of the hearing scheduled for Friday, August 20, 2010 at noon,
plaintiffs' liaison counsel shall provide the following information, to the extent available, by
Thursday, August 19, 2010, at 4 p.m.:

1. Representative samples of all forms of engagement letters signed by clients;
2. Representative samples of disclosure letters sent to clients, by tiers, showing range of disbursements identified as potential offsets to settlement recoveries;
3. The accounting practices counsel used to connect interest expense payments to use of loan funds, for example, whether they are tracked on a plaintiff-specific basis;
4. With regard to borrowed funds:
 - a. the approximate number of borrowings, by dates, and amounts, and
 - b. for each borrowing, whether funds were deposited in a single bank account or, if more than a single bank account, the classifications of bank accounts for various types of expenses, for example:
 - i. accounts used only to pay the firm's G&A, and
 - ii. accounts used only to pay case specific expenses;

5. With regard to categories of expenses paid in whole or in part using borrowed funds:
- a. the categories of case-specific expenses,
 - b. the criteria determining which may be charged to clients and which, absorbed:
 - i. for example, as to billing of time spent by paralegals, nurse technicians, and other clerical and technical people,
 - ii. for another example, as to billing of time spent, and charges incurred, from lawyers performing specialized services, consultants engaged to evaluate clients' data,
 - iii. generally, the criteria to distinguish categories of case specific expenses:
 - 1. which are to be absorbed as equivalent to work capable of being performed by lawyers on staff,
 - 2. which should be absorbed as reflecting the enhanced capacity and capability of the law firm, and
 - 3. which typically are charged to clients as expenses, for example, court fees, photocopying, witness' fees, etc., and
 - c. As to work performed by consultants and experts engaged by the law firm, the criteria to determine whether such expenses should be
 - i. allocated also to clients of other firms,
 - ii. allocated only to clients of Worby Groner,
 - iii. charged to specific clients only.

SO ORDERED.

Dated: August 17 2010
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge